THE HON'BLE MS. JUSTICE V.V.S. RAO

THURSDAY, THE 10TH DAY OF NOVEMBER, 2005

W.P.No. 24065 of 2005

Between:-

Bodavula Laxmanaswamy and another.

--Petitioners

And

The District Collector, Krishna district, Machilipatnam and three others.

--Respondents

Oral order:- (W.P.No. 24065 of 2005)

The petitioners admittedly converted their agricultural lands in survey Nos.215/1, 215/2, 215/3-A of Vemavarapadu village, Kaikaluru mandal, Krishna district, into fish tanks without obtaining any prior permission of the revenue authorities or aquaculture authorities, as required under law. Therefore, the 2nd respondent, by impugned urgent notice, directed the petitioners not to operate the fish tanks, as the same would violate the decision of a learned Division Bench of this court in ***MADI REDDY PADMA RAM BABU Vs. DISTRICT FOREST OFFICER, KAKINADA*** (1).

Learned counsel for the petitioners vehemently contends that even before taking up of the work of digging fish tanks, the 4th respondent, who is a negibhour, expressed 'no objection' and, therefore, the impugned notice is illegal. He further submits that the petitioners have borrowed a substantial sum of Rs.3,00,000-00 and operating the fish tanks and if at this time the fish tanks are demolished, they will suffer irreparable loss and injury and, therefore, he seeks a direction as prayed for.

I n ***Madi Reddy Padma Ram Babu's*** case (1 supra), this court considered the question whether a person, who has absolute title and ownership to the land, can put the land to the use as he likes by causing environmental degradation. After referring to the relevant statutory provisions as well as the decision of the Supreme Court in ***S. JAGANNADH Vs. UNION OF INDIA*** (2), this Court held that no person can covert agricultural lands into fish tanks without prior permission of the competent authority. The authorities were also directed to take necessary action in the matter. The impugned notice is issued in implementation of the judgment of this court and, therefore, this court does not find any illegality in the said order.

The writ petition is, accordingly, dismissed. No costs.

_____

V.V.S. RAO, J

Dated: 10-11-2005

Pvks/*